THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2641 of 2002

ORDER:

It appears, the petitioner belongs to Scheduled Tribe (Erukula) community and also a member of third respondent society. When the Artisans were given loans, she had also obtained loan in the year 1986 and 1988 for the purpose of weaving and selling the baskets. The said loans were below Rs.10,000/-. When a scheme called 'Agriculture Debt Relief Scheme 1990' (for short 'the scheme') was introduced by the Central Government for waiver of loans obtained by the Artisans which are below Rs.10,000/-, the financing Bank in fact prepared a list of persons who are entitled for waiver under the said scheme and the petitioner's name finds place at Serial No.66. According to the petitioner, the loan was already waived, however, the respondents issued auction notice in E.P.No.625/92-93 dated 18.12.2001 proposing to auction the petitioner's land. Questioning the same, the present writ petition is filed.

The grievance of the petitioner is that neither any arbitration proceedings were taken up nor any award was passed by the competent authority, and the respondents straight away issued the impugned auction notice.

The first respondent filed counter. According to the learned counsel for respondents, initially a list of members for being consideration under the scheme was prepared, thereafter the said list was not given effect to for waiver of the loans, but the petitioner thought that her loan was already waived since there was some delay in taking decision. However, arbitration proceedings vide Arbitration References in No.87/89-90 were initiated by the society and the Arbitrator passed award on 15.6.1990 and consequently, the impugned proceedings were taken up against the petitioner.

The learned counsel for petitioner strenuously contended that all these loans deemed to have been waived. Even otherwise, while the matter was pending before the Arbitrator no notice of any kind and no opportunity was given to the petitioner to participate in the said proceedings.

In view of the above, I am of the opinion that it seems there was some communication gap. The loans were not waived as per the scheme and thereafter arbitration proceedings were taken up against the petitioner and the Arbitrator passed award on 15.6.1990. Consequent to that, the third respondent society filed E.P. for realization of the amounts for attachment and sale of immovable property belonging to the petitioner. Whether any notice has been issued before passing arbitration proceedings or not, need not be gone into in these proceedings.

It is suffice to direct the respondents to furnish a copy of the award proceedings in Reference No.87/89-90 dated 7.4.1990/15.6.1990 to the petitioner herein within a period of two weeks from the date of receipt of a copy of this order. After receipt of the said arbitration proceedings, the petitioner is at liberty to file appeal before the competent authority and on filing such appeal, the competent authority shall entertain the same without raising any objection as to limitation. Further, in view of the fact that the petitioner has already deposited certain amounts i.e. Rs.10,000/- in terms of the interim order passed by this Court in W.P.M.P.No.3175 of 2002 dated 12.2.2002, the respondents are directed not take any coercive steps against the petitioner during the pendency of such appeal.

With the above observation and direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 27.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2641 of 2002

27.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2641 of 2002

Date: 27th September, 2006

Between:

S.Atchamma

.. Petitioner

And

The Deputy Registrar of Cooperative Societies, Cuddapah, Cuddapah district & others.

.. Respondents